

BEFORE THE TENNESSEE REGULATORY AUTHORITY
Nashville, Tennessee

01 SEP 25 PM 2 01

In Re: *Second Complaint of Discount Communications Against BellSouth Telecommunications, Inc.*

Docket No. 00-01151

**MOTION TO REQUIRE TURNOVER OF FUNDS TO
BELLSOUTH TELECOMMUNICATIONS, INC.**

BellSouth Telecommunications, Inc. ("BellSouth") files this Motion to Require Turnover of Funds to BellSouth and respectfully shows the Hearing Officer as follows:

In his comments before the Tennessee Regulatory Authority ("TRA") on September 25, 2001, Mr. David Mills, President of ATM/Discount Communications, Inc. ("Discount") represented that Discount currently has available certain funds from which it could pay some portion of the amounts owed to BellSouth. Mr. Mills represented that these funds are "in the bank." Notwithstanding this admission that it is holding such funds, Discount did not contest the fact that it has made no payment to BellSouth since July 26, 2001.

In light of the clear orders of the TRA requiring payment, the admission of Discount that it is holding certain funds in a bank account, and in light of the uncontroverted evidence that Discount has failed to make the required payments, BellSouth respectfully requests that the Hearing Officer enter an Order requiring

Discount to immediately make payment to BellSouth by turning over those funds currently being held by Discount.

Respectfully submitted,

BELLSOUTH TELECOMMUNICATIONS, INC.

By: 

Joëlle J. Phillips

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CERTIFICATE OF SERVICE

I hereby certify that on September 25, 2001, a copy of the foregoing document was served on the parties of record, via the method indicated:

- ☐ Hand
- ☐ Mail
- ☒ Facsimile
- ☐ Overnight

Henry Walker, Esquire
Boult, Cummings, Conners & Berry
Post Office Box 198062
Nashville, Tennessee 37219-8062

- ☐ Hand
- ☐ Mail
- ☒ Facsimile
- ☐ Overnight

Vance Broemel, Esquire
Consumer Advocate Division
Post Office Box 20207
Nashville, Tennessee 37202

A handwritten signature in black ink, appearing to read "Vance Broemel", written over a horizontal line.